

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE MUNICIPAL CODE BY INCLUDING A NEW SECTION IDENTIFIED AS TITLE 21 ENTITLED HISTORICAL PRESERVATION ORDINANCE

THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES HEREBY ORDAIN AS FOLLOWS:

A new chapter identified as Title 21 is hereby added to the Chula Vista Municipal Code to read as follows:

21.02 GENERAL PROVISIONS

21.02.010: TITLE

This chapter shall be known as the City of Chula Vista Historic Preservation Ordinance (HPO).

21.02.020: Purpose & Intent

The Chula Vista City Council (Council) declares that the identification, recognition, preservation, protection and adaptive reuse of older building stock and historical resources are essential for the health, prosperity, social and cultural enrichment and general welfare of the citizens who live in, work and visit Chula Vista. The purpose and intent of the HPO is to serve, protect and enhance the public health, safety and welfare through the following:

- A. To serve as the regulatory document of the City's Historic Preservation Program (HPP);
- B. Promote and accomplish the historic preservation goals, policies, and strategies of the City's General Plan;
- C. Promote the recognition, preservation, protection and use of historical resources through historical resource surveys and the designation of historical resources;
- D. Preserve and enhance those historical resources that give Chula Vista its identity by utilizing the Secretary of Interior Standards for Treatment of Historic Properties;
- E. Honor Chula Vista's rich history and heritage by designating significant historical resources and districts that are associated with important historical events, persons, significant architecture, and landscape elements;
- F. Provide strong and safe neighborhoods by encouraging harmony as to style, form, proportion, and material between historical resources and new construction that are located within designated historic districts;
- G. Provide for a healthy and sustainable environment through the preservation and protection of historical resources and architecturally worthy structures and neighborhoods;
- H. Carry out the provisions of the National Historic Preservation Act and the Certified Local Government Program established under said act;
- I. Establish the use of incentives and benefits for the protection, retention and preservation of historical resources; and
- J. Promote the recognition, preservation, protection and use of historical resources through education and a HPP that is up to date and valid.

21.02.030: Historic Preservation Authority

There is created a Historic Preservation Commission (HPC), Chula Vista Municipal Code Chapter 2.43 which, shall be the governing body of the City of Chula Vista Historic Preservation Ordinance. The discretionary project review responsibility of the HPC shall be limited to the review of Major Alterations, demolition applications, historic determination appeals and for consistency with City's HPP, applicable historic district guidelines, and this ordinance.

21.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall govern the meaning of words contained herein unless the context indicates otherwise.

21.03.002 Alteration: Any change in the character, composition, or structure of a potential historical resource or historical resource which are not classified as work exempt from building permits (Building Permit Form 4551) or those activities that are exempt pursuant to Chula Vista Municipal Code Section 21.03.054.

21.03.004 Archaeological Resource: Any subsurface or aboveground material remains of past human life or activities that are at least fifty years of age, and may yield additional information about prehistory or history.

21.03.006 Architectural Significance: Importance of a property which indicates eligibility for designation and inclusion in the Chula Vista Register of Historical Resources, the California Register of Historical Resources and/or the National Register of Historic Places for embodying the distinctive characteristics of a period, style, type, period or method of construction.

21.03.008 Association: The direct link between an important historic event or person and a historic property. "Association" is one of the seven aspects of Integrity.

21.03.010 Building: A structure that has a roof and walls and stands more or less permanently in one place, such as a house, barn, church, hotel, or similar construction is created to shelter any form of human activity. "Building" may also refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

21.03.012 California Environmental Quality Act-California Public Resources Code Division 13, Section 21000 *et seq.* and California Code of Regulations Title 14, Division 6, Chapter 3, Article 1, Section 15000 *et seq.* HPP- *Historic Preservation Projects Section- Environmental Review and Historical Resources.*

21.03.014 California Historical Building Code: or State Historical Building Code provides for alternative standards and regulations intended to facilitate repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, safety, moving, or continued use of a qualified historical building or structure. The California Historical Building Code (CHBC) is made a part of the City's HPP

21.03.015 CEQA- See California Environmental Quality Act (Chula Vista Municipal Code 21.03.012)

21.03.016 Certificate of Appropriateness: A permit required for the alteration, restoration, construction, demolition, removal, relocation in whole or in part, of or to all historical resources. COA Forms can be found in the City's HPP-*Historic Preservation Projects Section*

21.03.018 Certified Local Government: A local government officially certified by the National Park Service and the State Office of Historic Preservation to carry out some of the purposes of the National Historic Preservation Act. The Certified Local Government Program Procedures can be found in the City's HPP- *Preface Section*

21.03.020 Character-Defining Feature: Architectural, street and landscape features of a building, structure, object, historic district or historic preservation modifying zone which help to convey historical significance.

21.03.022 Chula Vista Register of Historical Resources: A comprehensive list of designated historical resources, commonly referred to as the Local Register. **The Local Register can be found in the City's HPP- *Historical Resources Section***

21.03.024 City Staff: An employee from any department or agency of the City of Chula Vista which may be called upon to assist in the proper administration of the City of Chula Vista's Historic Preservation Program, including this ordinance.

21.03.026 Commission: The City of Chula Vista Historic Preservation Commission.

21.03.028 Contributing Resource: A building, site, structure, or object within the geographic boundaries of a historic district which contributes to, physically conveys, and supplements the identified historical significance of a historic district. Also identified as a "Historic Preservation District Contributor".

21.03.030 Council: The City of Chula Vista City Council.

21.03.032 Criteria: A set of established general standards by which the historical significance of a historic property is judged and eligibility for designation is determined pursuant to CVMC 21.04.100 . For general information on how to apply criteria standards refer to the National Register Bulletin: *How to Apply the National Register Criteria for Evaluation VI How to Identify the Type of Significance of a Property* found in the City's HPP *Historical Resources Section*.

21.03.034 Cultural Landscape: A geographic area, including both cultural and natural resources therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. There are four general types of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

21.03.036 Demolition: For the purposes of this ordinance, any act or failure to act that destroys, destructs, or removes in whole or in part to a potential historical resource, an eligible historical resource, or designated historic resource such that its character, historical significance and /or integrity is materially altered. See CVMC 15.44.050 and the HPP Historic Preservation Projects- Certificate of Appropriateness Form.

21.03.038 Design: The combination of elements that create the physical form, plan, space, structure, and style of a property. “Design” is one of the seven aspects of Integrity.

21.03.040 Determination of Eligibility: An action through which a non-designated property’s historical significance is decided through an official government process. Determination of a properties eligibility or significance shall follow the process established by the City’s HPP *Historical Resources Section- Potential Historical Resource Eligibility Determination Form.*

21.03.042 District: See definition for Historic Preservation District or Chula Vista HPP Historical Resources Section- Historic Preservation Districts.

21.03.044 Eligible Historical Resource: Any resource that is listed in a historic resources inventory as being significant or that has been determined through a Expert Technical Analysis report to be eligible for listing on the Local Register (CVMC 21.04.100), or any resource that meets the criteria for listing on the state or national registers.

21.03.046 Eligibility: The ability of a property to meet adopted criteria for designation pursuant to this ordinance.

21.03.048 Evaluation: The process by which the historical significance and integrity of a historical resource are judged and eligibility determined.

21.03.050 Event: An occasion, circumstance, or activity that occurred within a particular period of time, or continued over an extended period of time.

21.03.052 Exceptional Historical Resource: A resource that Council has determined is invaluable to the heritage of Chula Vista because it has been found through Expert Technical Analysis to be the best representative sample or the last one of its type and that the loss of that property through demolition, removal, or major or minor alteration would cause a significant loss to the City’s history and environment.

21.03.054 Exempt Alteration(s): Any work exempt pursuant to (Building Permit Form 4551) and the following activities are considered to be Exempt Alterations and do not require a COA.

- A. Plumbing improvements or repairs.
- B. Electrical improvement or repairs.
- C. Mechanical improvements or repairs.
- D. Interior improvements unless said interior features of the home are contributing elements of the historical significance of a historical resource.

21.03.056 Expert: An expert is defined as a qualified professional that meets the Secretary of Interior’s Professional Qualification Standards contained within 36 CFR Part 61 and is

approved and listed on the City's list of Qualified Consultants. The professional qualifications define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, the City shall determine that additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historical resources involved. The Professional Qualification Standards can be found in the City's HPP- Qualified Consultants Section.

21.03.058 Expert Technical Analysis: A written report by a qualified expert that evaluates the potential historical and architectural significance of a resource or contributing resource based upon accepted significance criteria and findings of fact. The technical expert analysis may also identify potential impacts to a resource and activities or actions that would reduce those impacts to below a level of significance. For more information on Expert Technical Analysis reports see the City's HPP- Historical Resources Section- *Historical Resource Research Report Guidelines and Requirements*.

21.03.060 Exterior Features: The architectural style, design, general arrangement, components and natural features or all of the outer surfaces of a resource, including, but not limited to, the kind, and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, and other fixtures appurtenant to such resource.

21.03.062 Feeling: A property's expression of the aesthetic or historic sense of a particular period of time. "Feeling" is one of the seven aspects of Integrity.

21.03.064 Historic Context: A unit created for planning purposes that groups information about historical resources based on a shared theme, specific time period and geographical area that is used as the basis for judging a property's historical significance and its eligibility for listing. The process for identifying and establishing historic contexts is made a part of the City's HPP *Historical Overview Section- Developing Historic Context Statements*.

21.03.066 Historical Landscape: A cultural, designed or natural landscape that is determined to be a historical resource (see CVMC 21.03.074).

21.03.067 Historic Preservation Contingency Fund: A fund earmarked for preservation activities that meet the purposes of this chapter.

21.03.068 Historic Preservation District: A district (historic district) is a concentration, linkage, or continuity of sites, buildings, structures, or objects united by architecture or historical plan or physical development. Further information on the identification of districts can be found in the Chula Vista HPP Historical Resources Section- Districts.

Types of Historic Preservation Districts (HPD's):

Geographic Historic Preservation District

A historic district that includes a finite group of resources related to one another in a clearly distinguishable way and within a geographically definable area which have related character, architectural styles, interrelationships, and physical proximity and association.

Thematic Historic Preservation District

A historic district that includes resources related to one another in a clearly distinguishable way by a common theme related to historical context, architectural style, development period, or other characteristics, where visual continuity is not significant and sites are not necessarily located within a geographically definable area.

21.03.070 Historic Preservation Program: A document comprised of the application forms, resource allocations, guidelines and procedures, with the purpose to:

1. Meet the requirements for Certified Local Government status
2. Align with the policies of the General Plan
3. Implement the City's Historic Preservation Ordinance

21.03.072 Historic Property: Any resource that is included on the Chula Vista Register of Historical Resources (designated), listed on the California Register of Historical Resources, or the National Register of Historic Places, or that has been identified through a survey evaluation to be significant or eligible for designation or inclusion on one or more of said registers.

21.03.074 Historical Resource: Any Eligible Resource (see Eligible Resource CVMC 21.03.044), or any resource that is designated on the Chula Vista Register of Historical Resources (Local Register), the California Register of Historical Resources, or the National Register of Historic Places.

Historical Resource Survey: A systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance within specific historic contexts. HPP Historical Resources Section- *Surveyed Properties*.

21.03.076 Historical Significance: The importance for which a property has been evaluated and found to meet local, state or national criteria. HPP Historical Resources Section- *National Register Bulletin- How to Apply the National Register Criteria for Evaluation VI. How to Identify the Type of Significance of a Property*.

21.03.078 Identification: The process through which information is gathered about historic properties.

21.03.080 Important Person: An individual who has made significant contributions on a local, regional, state or national level in, including but not limited to, history, architecture, archaeology, engineering, and/or culture.

21.03.082 Incentives: Preservation incentives include, but may not be limited to, Federal Rehabilitation Tax Credits, Mills Act and permit streamlining. HPP- Incentives and Benefits Section.

21.03.084 Integrity: Is a term defined by the United States Interior Department and the National Park Service. It is the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period. Within the concept of integrity there are seven recognized aspects or qualities that in

various combinations, define integrity. The seven aspects of integrity are Location, Design, Setting, Materials, Workmanship, Feeling, and Association. A property determined to have integrity should possess most, if not all, seven (7) aspects. For more information on how to evaluate the integrity of a property refer to National Register Bulletin: *How to Apply the National Register Criteria for Evaluation VIII. How to Evaluate the Integrity of a Property* found in the City's HPP *Historical Resources Section*.

Inventory: A list of historic properties determined to meet specified criteria of significance (Also see Historical Resources Survey).

21.03.086 Local Register: See City of Chula Vista Register of Historical Resources.

21.03.088 Location: The place where the historic resource was constructed or the place where the historic event occurred. "Location" is one of the seven aspects of Integrity.

21.03.090 Major Alteration: Major Alterations are those alterations that are not exempt or do not qualify as minor alterations which include, but may not be limited to:

- A.) Demolition (CVMC 21.03.036)
- B.) Installation or alteration of windows and doors where the original window or door opening is enlarged, reduced or altered. See HPP Historic Preservation Projects Section; National Park Service Preservation Brief(s) on window repair and replacement.
- C.) Removal of Historical Landscapes
- D.) Additions to a structure or site that exceed 499 square feet
- E.) New construction within a Historic Preservation District
- F.) Relocation (CVMC 21.03.113)
- G.) Reconstruction (CVMC 21.03.110)

HPP Historic Preservation Project Section-*Certificate of Appropriateness Form*.

21.03.092 Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. "Materials" is one of the seven aspects of Integrity.

21.03.094 Minor Alteration: Minor alterations, are those alterations that are not exempt or do not qualify as major alterations which include, but may not be limited to, the installation of exterior features such as awnings, garage doors, or installation of new windows and doors where the original window or door opening is not enlarged, reduced or altered and additions that are greater than 144 square feet and less than 499 square feet. HPP Historic Preservation Project Section- *Certificate Of Appropriateness Form*.

21.03.095 Modifying District: For purposes of this ordinance, a Historic Preservation (HP) Modifying District is a zoning tool that will allow for flexibility from or in addition to the basic regulations otherwise set forth in the underlying zoning within a Historic Preservation District.. HPP- Design Guidelines Section- *Modifying Districts*

21.03.096 Non-Contributing Resource: A building, site, structure, or object within the geographic boundaries of a Historic Preservation District but which does not contribute to, physically convey, or supplement the identified historical significance of a Historic Preservation District. Also identified as a “Historic Preservation District Non-Contributor” or a “Non-Contributor”.

21.03.100 Object: The term “object” is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Objects should be in a setting appropriate to their significant historic use, roles, or character. Examples of objects include boundary markers, fountains, monuments, statuary, sculptures, and mileposts.

21.03.101 Older Building Stock: Buildings that are 45 years or older that may or may not be identified as significant historic resources but are considered to embody Chula Vista’s cultural or historic character.

21.03.102 Period of Significance: The span of time in which a property attained historical significance. HPP Preface Section- *Historic Contexts*.

21.03.104 Potential Historical Resource: Any resource 45 years or older that appears to meet the findings and criteria established in CVMC 21.04.100.

21.03.106 Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. Preservation is one of the four treatment options specified in *The Secretary of the Interior’s Standards for the Treatments of Historic Properties*. These Standards can be found in the City’s HPP under the Design Guidelines Section.

21.03.108 Qualified Historical Building or Property: Any building, site, structure, object, district or collection of structures, and their associated sites, deemed of importance to the history, architecture or culture of an area by an appropriate local, state or federal governmental agency. This shall include designated buildings or properties on, or determined eligible for, official national, state or local historical registers or official inventories, such as the National Register of Historic Places, California Register of Historical Resources, State Historical Landmarks, State Points of Historical Interest, and officially adopted city or county registers, inventories, or surveys of historical or architecturally significant sites, places or landmarks. HPP Historic Preservation Project Section- *2007 California Historical Building Code*.

21.03.110 Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Reconstruction is one of the four treatment options specified in *The Secretary of the Interior's Standards for the Treatments of Historic Properties*.

21.03.112 Rehabilitation: The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

Rehabilitation is one of the four treatment options specified in *The Secretary of the Interior's Standards for the Treatments of Historic Properties*.

21.03.113 Relocation: Moving a historic resource from its original location. Guidelines for relocation are including in the City's HPP Design Guideline Section.

21.03.114 Resource: Any building, structure; object, site; archaeological site; sign; trees; cultural, designed or natural landscapes; district(s) or a contributing resource.

21.03.116 Restoration: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Restoration is one of the four treatment options specified in *The Secretary of the Interior's Standards for the Treatments of Historic Properties*.

21.03.118 (The) Secretary of the Interior: Appointed government official that serves as the head of the United States Interior Department and who is responsible for establishing standards for all programs under Departmental authority and for advising Federal agencies on the preservation of historic properties listed in or eligible for listing in the National Register of Historic Places.

21.03.120 (The) Secretary of the Interior Standards and Guidelines (SOI'S):

Professionally accepted standards used for the treatment of historic properties. These standards and guidelines assist in determining appropriate preservation, rehabilitation, restoration and reconstruction activity. These Standards and how to apply them can be found in the City's HPP under the Design Guidelines Section. HPP Design Guidelines Section- *Secretary of the Interior Standards for the Treatment of Historical Properties*.

21.03.122 Setting: The physical environment of a historic property. Whereas location refers to the specific place where a property was built or an historic event occurred, setting refers to the character of the place in which the property played its historical role. "Setting" is one of the seven aspects of Integrity.

21.03.124 Significance: The importance of a historic property based upon local, state, regional, or national eligibility criteria.

21.03.125 Significant: A resource that has been determined to be important based upon local, state, regional or national eligibility criteria.

21.03.126 Site: A “site” is the location of a significant event, a prehistoric or a historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

21.03.128 State Historic Building Code: See California Historical Building Code

21.03.130 Structure: Those functional constructions made usually for the purposes other than creating human shelter. Examples of structures include, but are not limited to bridges, aircraft, fences and walls, lighthouse, water tank house, brood house, automobile, trolley car, tunnel, windmill, bandstand, apiary, and greenhouse.

21.03.132 Theme: A trend or pattern in history or prehistory relating to a particular aspect of cultural development, such as citrus farming. “Theme” is related to “Historic Context”.

21.03.134 Workmanship: The physical evidence of the crafts of a particular culture or people during any period in history or prehistory. “Workmanship” is one of the seven aspects of Integrity.

21.04 IDENTIFICATION AND DESIGNATION OF HISTORICAL RESOURCES

21.04.010: Historical Resource Surveys (Survey)

Understanding, identifying, evaluating, and protecting those resources, which give each community its individual character and sense of place are important tools in the protection and preservation of historical resources. Historical Resource Surveys shall be utilized as informational tools by the City of Chula Vista (City), any other municipal departments or agencies for designation consideration and/or as part of project analysis pursuant to **CVMC 21.08.010** and shall not require owner consent.

21.04.020: Survey Forms

All evaluations and recordation of resources shall be made on a form prescribed by the State Historic Preservation Office currently referred to as Department of Parks and Recreation (DPR) 523 Series Form and as may be amended from time to time. The information and analysis contained within the DPR forms shall conform to the State Historic Preservation guidelines for recording historical resources as made a part of the City’s HPP.

21.04.030 Chula Vista Register of Historical Resources

Buildings, structures, objects, sites, signs, landscape, archaeological sites, Historic Preservation Districts, or district contributors determined historically or architecturally significant and designated by the City of Chula Vista Historic Preservation Commission shall be compiled on a comprehensive list officially known as the *City of Chula Register of Historical Resources* and shall commonly be referred to as the *Local Register*.

21.04.040: Historical Resources To be Included in the Local Register

The following resources shall be included in the Local Register:

- A. Those properties previously designated prior to the effective date of this ordinance;
- B. Those properties designated by the HPC;
- C. Any Chula Vista property listed as a National Historic Landmark;
- D. Any Chula Vista property listed on the National Register of Historic Places;
- E. Any Chula Vista property listed on the California Register of Historical Resources; by the California State Historical Resources Commission;

21.04.050: Local Register Maintenance and Distribution

The Zoning Administrator shall ensure that the Register is maintained, updated & distributed pursuant to the guidelines established in the Chula Vista HPP.

21.04.060: Designation-Authority

Upon a recommendation of the Zoning Administrator, the Historic Preservation Commission shall have authority to approve or deny applications for historical designation. A property may be designated either individually or as a contributing element to a Historic Preservation District. Those resources that are approved for designation shall be listed on the Chula Vista Register of Historical Resources (herein referred to as the Local Register).

21.04.070: Designation-Owner Consent

A property shall not be designated without property owner consent unless said designation is undertaken by the Council pursuant to CVMC 21.04.080 (*Owner Consent Not Required: Exceptional Historical Resource*) of this ordinance. Owners of properties, which may qualify as a contributing resource to the designated HPD may pursue designation without the consent of other property owners within the boundaries of the designated HPD pursuant to CVMC 21.04.090. A property owner shall be required to record the designation of their property with the County Assessor's office within 10 business days of HPC approval of said designation.

21.04.080: Designation-Owner Consent Not Required; Exceptional Historical Resource

In exceptional circumstances, the HPC may recommend that the Council designate a property without owner consent if it has been demonstrated through Expert Technical Analysis and historical evidence that all of the following Findings of Fact are met:

- a. It is determined that the resource meets criteria and the findings of fact for designation found in CVMC 21.04.100.
- b. It is demonstrated through the Expert Technical Analysis that the resource is either the best representative sample of its kind or the last of its kind.
- c. It is determined that the resource is an exceptionally important component of the City's history and loss or impairment of the property would be detrimental to the City's heritage.

21.04.090: Designation-Application, Requirements and Procedures

1. Applications and Submittal Requirements

Applications for designation shall be made to the Zoning Administrator in writing on a form prescribed by the City's HPP and shall be accompanied by sufficient information to determine that a resource meets the criteria for designation pursuant to CVMC 21.04.100 and found in the City's HPP Historical Resources Section – *Application for Designation*. A fee as presently designated in the master fee schedule, or as may in the future be amended, shall

accompany the application. Designation applications may run concurrent with other permit applications however the designation shall be approved prior issuance of any discretionary actions.

- A. A property owner, or authorized agent of the property owner, may seek historical designation with or without the assistance of an individual who is an expert with the exception of those circumstances where an Expert Technical Analysis is required by the City or discretionary projects as set forth in CVMC 21.08.010. The City, at its discretion, may require the applicant to submit an Expert Technical Analysis Report.

2. Procedures for Historical Designation Consideration

- A. The application review shall follow the City's Development Services Department review process for discretionary permits.
- B. Upon determination of completeness, the Zoning Administrator shall prepare, in the form of a Staff Report, a brief discussion of the property as presented in the submitted documentation and shall include recommendations to the HPC to either designate or not designate under the findings of fact and evaluation criteria set forth in CVMC 21.04.100.
- C. The Zoning Administrator shall set a reasonable time for HPC consideration of the application and give notice thereof to the applicant and to other interested persons. The HPC shall hold a public hearing to review the evidence as presented in order to determine if the resource meets the criteria for designation CVMC 21.04.100.

3. Denial or Delay of Decision

- A. The HPC shall have the authority to delay designation of a property for up to 90 days as part of a request of the applicant for additional information on the subject property proposed for designation. If the requested information is not provided within 90 calendar days, the HPC shall deny the designation request.
- B. If an application is denied pursuant to CVMC 21.04.090 (3)(a) or a designation request is denied as a result of the resource not meeting the findings of fact or eligibility criteria set forth in CVMC 21.04.100, the HPC shall provide a written explanation for the denial within 10 business days of the decision.
- C. The applicant may, under a new application and required fees, submit for designation reconsideration any property, which has previously been denied if new information is presented to support a statement of historical significance for the property.

4. Appeals

All appeals shall be processed pursuant to CVMC 21.12.030.

21.04.100: Historical Designation- Findings of Fact and Eligibility Criteria

Designation of a resource by the HPC may occur when the following findings of fact are found:

- a. A resource is at least 45 years old; and
- b. A resource possesses historical integrity defined under CVMC 21.03.084 and the resource is determined to have historical significance by meeting at least one of the following criteria:

- Criterion 1: It is associated with an event that is important to prehistory or history on a national, state, regional, or local level.
- Criterion 2: It is associated with a person or persons that have made significant contributions to prehistory or history on a national, state or local level.
- Criterion 3: It embodies that distinctive characteristics of a style, type, period, or method of construction, or represents the work of a master or important, creative individual, and/or possess high artistic values.
- Criterion 4: It has yielded, or may be likely to yield information important in prehistory or history of Chula Vista, the state, region, or nation.

21.04.110 Designation of Publicly Owned Resources- Council Approval Required

An application for designation of a publicly owned resources may be submitted by a member of Council, a member of the HPC, or any interested citizen who resides in the City of Chula Vista. Applications for designation of publicly owned buildings shall require a recommendation from the HPC and Council approval. For consideration, designation requests for publicly owned buildings shall require the same application submittal requirements and criteria of CVMC 21.04.090 and 21.04.100.

21.05 DELISTING OF HISTORICAL RESOURCES

21.05.010: Historical Resource Delisting- Authority

Upon recommendation of the HPC, the Council shall consider the delisting of any site that was previously designated.

21.05.020: Historical Resource Delisting- Owner Consent Not Required

A request for delisting may be submitted by the property owner of record, any member of the HPC or any member of the Council. Owner consent is not required for delisting a resource.

21.05.030: Historical Resource Delisting- Application, Requirements, and Procedures

Delisting of a Historical Resource shall follow the same procedures as those set forth in CVMC 21.04.090 (1.), (2.), and (3.). Delisting applications may run concurrent with other permit applications however no discretionary decision shall be rendered prior to a delisting determination.

21.05.040- Historical Resource Delisting- Findings of Fact

Delisting of a historical resource shall be discouraged unless it is substantiated through evidence that the historical resource no longer meets the eligibility criteria set forth in CVMC 21.04.100. Council, upon recommendation of the HPC, shall grant the delisting only if it finds that one or more of the following findings of fact exist:

- A. New evidence provided demonstrates that previously identified historical significance of the historical resource has been reduced or no longer exists such that the resource no longer meets the eligibility criteria.
- B. The property was designated inaccurately based on incorrect information.
- C. The integrity of the historical resource or the resource itself has been greatly diminished such that it no longer physically conveys its identified historical

significance resultant from extensive unintentional damage, fire, flood, or natural disaster.

2. Based upon the evidence Council may:
 - A. Delist the resource;
 - B. Maintain the previous designation assigned by the HPC or Council;or
 - C. Delay a decision for up to 90 days in order to obtain additional information regarding the request to rescind the designation;
 - D. The City, at its discretion, may require the applicant to provide an Expert Technical Analysis Report.

21.05.050: Historical Resource Delisting - Factors That Shall Not be Considered

When considering a request to delist a previous historical resource designation, the following factors shall not be considered to guide or inform a decision:

- A. Property maintenance costs associated with minimum code compliance activities for building and structures.
- B. Costs associated with deferred maintenance by the recorded property owner or by a previous property owner.
- C. Costs associated with bringing the designated property into conformance with adopted City codes.
- D. Costs associated with proposed improvements of the site.

21.05.060: Historical Resource Delisting - Fines and Penalties

The Zoning Administrator or the HPC shall include recommendations for recovery of costs associated with the financial or planning and zoning historic preservation incentives and benefits provided to the current or previous property owner(s).

1. The owner of record may be subject to fines and penalties by the City, which equate up to 100% recovery of the benefits and incentives received from the City either financial or planning and zoning historic preservation incentives or benefits, including but not limited to the Mills Act Property Tax Abatement, reduction of permit fees, waiver of permit fees, allowance of additional density or dwelling units, issuance of a variance due to the historical status of the property, or reduction of parking or other local standards or requirements.
2. If it is determined that the historical significance of a resource has been reduced or lost as a result of the actions of the property owner, fines and penalties may be imposed upon the owner equal to the amount necessary to restore or rehabilitate the previously identified historical significance of the resource.

21.05.070: Delisting- Appeals

All appeals shall be processed pursuant to CVMC 21.12.030.

21.06 HISTORIC PRESERVATION DISTRICTS- HPD'S

HPP Historical Resources Section- Historic Preservation Districts HPD's

21.06.010 Purpose

To identify, designate, and preserve existing stable neighborhoods and resources grouped either geographically or thematically as defined in CVMC 21.03.04.

21.06.020: Historic Preservation Districts - Authority

Upon recommendation of the HPC, the Council shall consider the designation of a HPD.

21.06.030: Historic Preservation District - Owner Consent Required

There are two types of HPD's, Geographic Historic District (GHD) and Thematic Historic District (THD). For the designation of a GHD owner consent shall be required by a fifty-one percent (51%) majority of all property owners within the proposed historic district boundaries. For the designation of a Thematic Historic District (THD), owner consent is required for each of the individual properties that are apply for designation as contributors to the district. A minimum of ten (10) contributors shall be required to apply to qualify for a THD.

21.06.040: Historic Preservation District - Application, Requirements and Procedures

1. Application and Submittal Requirements

Proposals for HPD's shall be made to the Zoning Administrator in writing on a form prescribed by the City's HPP and shall require a recommendation from the HPC and approval of the Council. All applications shall be accompanied by sufficient information to determine that an area meets the criteria for HPD designation CVMC 21.06.050. A fee, as presently designated in the master fee schedule, or as may in the future be amended, shall accompany the application. The application review shall follow the City's Development Services Department review process for discretionary permits. Application submittal requirements shall follow the HPD application guidelines established by the City's HPP including but not limited to:

- A. For GHD's, an approved form bearing notarized signatures of support by owners of fifty-one percent (51%) of the land area within the proposed GHD and an address list of all contributing and non-contributing resources within the proposed Geographic Historic Preservation District, including any vacant parcels.
- B. A Statement of Significance that establishes the proposed HPD significance under the adopted eligibility criteria established in CVMC §21.06.060.
- C. A DPR form, for all contributing resources within the proposed HPD, that includes a map and description of the proposed district, including boundaries; the age, setting, and character of the area, significant individual elements within the proposed HPD, urban design and streetscape features as well as any other notable visual features of the proposed area;
- D. A list of all non-contributing resources within the proposed HPD.
- E. Proposed design guidelines for **the HPD** that identify the character-defining features, historic architectural styles, historic property types, historic roof types, historic building materials, and historic window types of the district, and any other design information or recommendations that may be used to guide design review projects within the district boundaries either at contributing or non-contributing resources or vacant parcels.

2. Requirements for HPD Designation Consideration

- A. For GHD's, an approved form bearing notarized signatures of support by owners of fifty-one percent (51%) of the land area within the proposed GHD and an address list of all contributing and non-contributing resources within the proposed Geographic Historic Preservation District, including any vacant parcels.

- B. For THD's, an approved form bearing notarized signatures of all properties proposed to be included within the THD shall be submitted. A minimum of 10 individual properties shall be required to be considered for a Thematic Historic District designation.
- C. A Statement of Significance that establishes the proposed HPD significance under the adopted eligibility criteria established in CVMC §21.06.060.
- D. A DPR form, for all contributing resources within the proposed HPD, that includes a map and description of the proposed district, including boundaries and location of contributing and non-contributing elements; the age, setting, and character of the area, significant individual elements within the proposed HPD, urban design and streetscape features as well as any other notable visual features of the proposed district.
- E. Proposed design guidelines for the HPD that identify the character-defining features, historic architectural styles, historic property types, historic roof types, historic building materials, and historic window types of the district, and any other design information or recommendations that may be used to guide design review projects within the district boundaries either at contributing or non-contributing resources or vacant parcels.

3. Procedures for Designation Consideration

- A. The Zoning Administrator shall determine the adequacy and completeness of the submitted application and DPR Forms utilizing the HPD application guidelines of the City's HPP Historical Resources Section - Historic Preservation Districts.
- B. If the application is deemed inadequate or incomplete, the applicant shall be notified and shall submit the necessary information within 30 days or the Zoning Administrator may deny the application.
- C. Upon determination of completeness, the Zoning Administrator shall prepare, in the form of a Staff Report, a brief discussion of the property as presented in the submitted documentation and shall include recommendations to the HPC to recommend to Council to designate or not to designate under the findings of fact and evaluation criteria set forth in CVMC 21.06.050.
- D. The Zoning Administrator shall set a reasonable time for HPC consideration of the application and give notice thereof to the applicant and to other interested persons. The HPC shall hold a public hearing to review the evidence as presented in order to determine if the resource meets the criteria for designation pursuant to CVMC 21.06.050.
- E. A qualified expert is not necessarily required to complete the application package for the proposed HPD, however, the City, at its discretion, may require the applicant(s) to retain an expert to substantiate the validity of the findings of the application package.

3. Denial or Delay of Decision

- A. The HPC shall have the authority to delay its recommendation to Council for designation of a HPD for up to 90 days as part of a request of the applicant for additional information or for the applicant to submit an Expert Technical Analysis of

the proposed HPD. If the requested information is not provided within 90 calendar days, the HPC shall deny the HPD designation request.

- B. If an application is denied pursuant to CVMC 21.06.040 (3)(A), the HPC shall provide a written explanation for the denial within 10 business days of the decision. An HPD designation request shall be denied by Council if it is found that the proposed HPD does not meet the findings of fact or eligibility criteria set forth in CVMC 21.06.050.
- C. The applicant may, under a new application and required fees, submit for designation reconsideration any district, which has previously been denied if new information is presented to support a statement of historical significance for the district.

4. Appeals

All appeals shall be processed pursuant to CVMC 21.12.030.

21.06.050: Historic Preservation District - Findings of Fact and Eligibility Criteria

Designation of a Historic Preservation District shall occur when the following finding of facts are made and at least one of the criteria apply:

1. That the proposed HPD has significant architectural or historical character or cultural value.
2. That the proposed HPD will preserve and enhance the collective integrity of the contributing resources.
3. For GHD's, there are at least sixty percent (60%) of the individual properties within the boundaries of the proposed GHD possesses character, interest, or value as part of the heritage of the City and is found to meet one or more of the established criteria as set forth in CVMC §21.060.050(5).
4. For THD's, all properties with the proposed THD possess character, interest, or value Citywide and collectively are found to meet one or more of the established criteria as set forth in CVMC §21.060.050(5).

HPD Eligibility Criteria:

- Criterion 1: The area is identified with an event, person, or group that contributed significantly to the City's prehistory or history.
- Criterion 2: Buildings, structures, objects, sites, signs or landscape elements within the area exemplify a particular architectural style, way of life, or period of development in the City.
- Criterion 3: Buildings and structures within the area are the best remaining examples of an architectural style, or are verified as having been designed or constructed by a master architect, designer or builder, and retain integrity.
- Criterion 4: The area contains a significant concentration of eligible historical resources or individually historical resources which are included on the Local Register or have been included on or formally determined through a survey to be eligible for inclusion the California Register or the National Register.

21.06.060 Design Guidelines

Design Guidelines for proposed historic preservation districts shall be adopted concurrently with the designation of the historic preservation district. If design guidelines are not proposed

as part of the HPD application, the City may, in collaboration with the property owners within the proposed district, develop design guidelines for the HPD prior to formation of the HPD.

21.06.070: Historic Preservation Modifying District (HP Modifying District)

1. Application and Submission Requirements

A separate application for a Historic Preservation (HP) modifying district shall be required to permit special regulations to designated HPD's. The City may propose that a modifying district be added to any Historic Preservation District or any property owner with the district may submit an application for a HP Modifying District. All applications shall be made to the Zoning Administrator in writing on a form prescribed by the City's HPP and shall follow the City's Development Services Department review process for discretionary permits. A fee, as presently designated in the master fee schedule, or as may in the future be amended, shall accompany the application.

2. Procedures for HP Modifying District Consideration

- A. HP Modifying District applications shall require a recommendation from both the HPC, Planning Commission with final consideration for approval by the Council.
- B. The Zoning Administrator shall determine the adequacy of the submitted application for a HP Modifying District pursuant to the application guidelines of the City's HPP Design Guidelines Section
- C. If the application is deemed inadequate or incomplete, the applicant shall be notified and shall submit the necessary information within 30 days or the Zoning Administrator may deny the application.
- D. Upon determination that the application is adequate to render a decision, the Zoning Administrator shall prepare, in the form of a Staff Report, a brief discussion of the HP Modifying district proposal presented in the submitted documentation and shall include recommendations to the HPC and Planning Commission to recommend to Council to approve or deny the HP Modifying District under the criteria found in CVMC 21.06.080. The Zoning Administrator shall set a reasonable time for consideration of the application and give notice thereof to the applicant and to other interested persons of all public hearings where the application(s) shall be considered.

21.06.080: Historic Preservation Modifying District - Findings of Fact

The Following Findings of Fact shall be met prior to establishing a Modifying District:

- Finding 1. The subject HPD is unique by virtue of topography, geological characteristics, access, configuration, traffic circulation or some social or historic situation requiring special handling of the development.
- Finding 2. The basic or underlying zone regulations do not allow the property owner and/or the city appropriate control or flexibility needed to preserve the historic character of the HPD.
- Finding 3. The HP modifying district is necessary to enhance the public convenience, health, safety and general welfare.
- Finding 4. The establishment of the Modifying District will help to serve, protect and enhance the public health, safety and welfare.

21.07 ALTERATIONS TO HISTORICAL RESOURCES

21.07.010: Alterations to Historical Resources-California Historical Building Code

Any historical resource may utilize the CHBC for alterations, repairs or additions subject to HPP guidelines and City approval HPP Design Guidelines Section- *CHBC*.

21.07.020: Alterations to Historical Resources–Approval Required

No person shall demolish, remove, or make minor or major alterations to a historical resource without first obtaining the appropriate approvals pursuant to CVMC 21.01.070, CVMC 21.07.080, and CVMC 21.08.040. The Zoning Administrator shall have the authority to require an applicant to provide further documentation in order to determine whether a potential historical resource is a historical resource pursuant to the criteria established under CVMC 21.04.100 and HPP Historic Preservation Projects Section- Determination of Eligibility. If a potential historical resource is determined to be an eligible historical resource than review of proposed minor or major alteration(s) shall be required.

21.07.030: Alterations to Historical Resources- Certificate of Appropriateness Required

A Certificate of Appropriateness(COA) shall be required for all minor and major alterations to historical resources HPP Historic Preservation Projects Section- *COA Form*.

21.07.040: Alterations to Historical Resources- Exempt From the COA

Work exempt from building permits pursuant to Building Form 4551 and exempt alterations as defined in CVMC 21.03.054 shall not be required to obtain a COA.

21.07.050: Alterations to Historical Resources – Environmental Review Required

Alterations to historical resources or discretionary actions that may impact historical resources shall require environmental review.

21.07.060: Alterations to Historical Resources- Concurrent COA Processing

Upon approval of the Zoning Administrator, applications for COA's may run concurrent with other discretionary permits however, no planning approvals or building permits shall be issued prior to COA decisions, except for permits required by the Building Official to maintain or stabilize dangerous conditions or for work that does not affect the exterior integrity of the building or structure, or the historical significance of the building, structure, or site, , as determined by the Zoning Administrator. HPP Historic Preservation Projects Section- *Preservation Brief 14- New Exterior Additions to Historic Buildings*.

21.07.070: Minor Alteration COA- Application, Requirements and Procedures

Applications for Minor Alteration COA's shall be made to the Zoning Administrator in writing on a form prescribed by the City and found in the City's HPP Historic Preservation Projects Section- *Certificate of Appropriateness*. The COA shall be accompanied by plans and data sufficient to show the detail of the proposed alteration. A fee as presently designated in the master fee schedule, or as may in the future be amended, shall accompany the application.

A. Minor COA- Zoning Administrator Approval

1. The application review shall follow the City's Development Services Department administrative review process and shall be noticed pursuant to CVMC 19.12.070 (B) (C) and (D).
2. To substantiate an application for a Minor Alteration, the City shall have the discretion to require that a property owner or authorized agent retain an expert professional to conduct an Expert technical Analysis.

B. Minor Alterations COA- Findings of Fact

Prior to issuance of a Minor COA the Zoning Administrator shall, through evidence presented, make all of the following findings of fact:

1. The proposed work conforms to *The Secretary of the Interior's Standards for Treatment of Historic Properties*; and
2. That the proposed work is consistent with the General Plan, applicable design guidelines, or other policies adopted by the HPC or Council.
3. The proposed work shall not adversely affect the exterior features of the historical resource or its special character, interest or value of its neighboring improvements and surroundings, including façade, setback, roof shapes, scale, height and relationship of material, color and texture such that the historic integrity is diminished.
4. The Minor Alteration proposed will not cause a significant adverse effect as defined in Section 15064.5, of the Guidelines for Implementation of CEQA.

C. Minor Alterations COA- Denial

If the Zoning Administrator finds that the proposed minor alteration(s) does not meet one or more of the findings of facts as listed in CVMC 21.07.070(B), the Zoning Administrator shall deny the minor alterations permit application.

D. Minor Alterations COA- Appeal

All appeals shall be processed pursuant to CVMC 21.12.030.

21.07.080- Major Alteration COA- Application, Requirements and Procedures

Applications for Major Alteration COA's shall be made to the Zoning Administrator in writing on a form prescribed by the City and found in the City's HPP Historic Preservation Projects Section- *Certificate of Appropriateness*. The COA shall be accompanied by plans and data sufficient to show the detail of the proposed alteration. A fee as presently designated in the master fee schedule, or as may in the future be amended, shall accompany the application.

A. Major COA- HPC Approval

1. The application review shall follow the City's Development Services Department review process for discretionary permits and shall require notice pursuant to CVMC 19.12.070.
2. To substantiate an application for a Major Alteration, the City shall have the discretion to require that a property owner or authorized agent retain an expert professional to conduct an Expert Technical Analysis.

B. Major Alterations COA- Findings of Fact

Prior to issuance of a Major COA the HPC shall, through evidence presented, make all of the following findings of fact:

1. The proposed work conforms to *The Secretary of the Interior's Standards for Treatment of Historic Properties*.
2. That the proposed work is consistent with the General Plan, applicable design guidelines, or other policies adopted by the HPC or Council.
3. The proposed alteration shall not adversely affect the exterior features of the historical resource or its special character, interest or value of its neighboring improvements and surroundings, including façade, setback, roof shapes, scale, height and relationship of material, color and texture such that the historical integrity is diminished.
4. The Major Alteration proposed will not cause a significant adverse effect as defined in California Code of Regulations Section 15064.5 (the Guidelines for Implementation of CEQA).

C. Major Alterations COA- Denial

1. If the HPC finds that the proposed Major Alteration(s) does not meet one or more of the findings of facts as listed in CVMC 21.07.080(B), the HPC shall deny the Major Alterations COA application.
2. If denied, the HPC shall make recommendations to the applicant concerning change, if any, in the proposed action that would cause the HPC to reconsider it's denial. If the applicant makes the recommended changes within 60 days the HPC may reconsider the Major Alteration COA under the same application.

D. Major Alterations COA- Appeal

The applicant or any other interested party may appeal the decision of the HPC pursuant to CVMC 21.12.030 . As part of the application and prior to the matter being set for public hearing by the Council the applicant shall address the findings for denial on an application prescribed by the City and shall pay all required fees.

21.08 DISCRETIONARY PROJECTS AND DEMOLITION OF HISTORICAL RESOURCES

21.08.010- Discretionary Projects- Historical Resource Review Required

Discretionary projects that propose alteration, demolition or removal, of *any* potential historical resource or historical resource shall require appropriate review, clearance and/or approval via a COA. In addition to any other required permits, a COA shall be required if it is determined that the proposed project will impact a historical resource. If the resource is determined to not be a historical resource pursuant to criteria found in CVMC 21.04.100 or a contributing resource defined in CVMC 21.03.028, then no further review is required.

21.08.020- Discretionary Projects - Application, Requirements and Procedures.

A. If a historical resource exists the City shall:

1. Determine if the proposal is a Minor or Major Alteration. Minor and Major Alterations shall be processed pursuant to CVMC 21.07.070 and CVMC 21.07.080, respectively.

2. Have the discretion to require that a property owner or authorized agent retain an expert professional to conduct an Expert Technical Analysis.
3. California Code of Regulations Section 15064.5 (the Guidelines for Implementation of CEQA).

B. Discretionary Projects - Findings of Fact

Discretionary projects shall follow the Findings of Fact set forth in CVMC 21.07.070 (B) or CVMC 21.07.080 (B), as may be applicable.

21.08.030: Demolition - Historical Resource Review Required

Demolition applications for any potential historical resource or historical resource shall require appropriate review, clearance, and/or approval via a COA. A COA shall be required, if it is determined that the proposed permit or project will impact a historical resource and shall be processed as a Major Alteration pursuant to CVMC 21.07.080.

21.08.040: Demolition COA - Application, Requirements and Procedures

No permit to demolish any potential historical resource or historical resource shall be considered without an associated application for a building permit for a replacement structure or an application for a project for the property involved.

A. The City shall:

1. Require that a property owner or authorized agent retain an expert professional to conduct an Expert Technical Analysis.
2. Follow the requirements of CEQA .

B. Demolition - Findings of Fact

Discretionary projects shall follow the Findings of Fact set forth in CVMC 21.07.080(B).

21.08.050- Unlawful Demolition of a historical resource:

A. If a historical resource is unlawfully demolished without City approval, all or some combination of the following penalties may apply:

1. No building or development permit shall be issued for the subject parcel of land for a period of two years from the date the City received notification of the demolition.
2. The property owner of record shall be required to reconstruct the demolished property according to *The Secretary of the Interior's Standards for the Treatment for Historic Properties* within a timeframe specified by the City.
3. Fines shall be levied against the property owner of record in the amount equal to reconstruction of the unlawfully demolished historical resource.

B. Unlawful Demolition of a potential historical resource:

If a potential historical resource is unlawfully demolished without approval by the City, the City may require the property owner of record to fund a post-demolition Expert Technical Analysis to determine whether the unlawfully demolished property would have been considered eligible for designation and inclusion on the Local Register pursuant to the criteria specified in CVMC 21.04.100.

1. If the subject property is determined to have been eligible for designation and inclusion on the Local Register, the City may apply all or some combination of the penalties specific in CVMC 21.08.050 (A).
2. If the subject property is determined to have been ineligible for designation and inclusion on the Local Register, the City may still enforce any other penalties specified in the Chula Vista Municipal Code.

C. Relief from CVMC 21.08.050 (A) and (B)

Requests for relief may be granted at the discretion of the Council if the applicant applies for relief and pays associated fees and one or more of the following facts exists:

1. The subject property's integrity had been diminished or lost because of natural or unintended disaster and the extant portions of the subject property present an immediate hazard or dangerous conditions or cause a detriment to public health and safety as defined in the current adopted Uniform Building Code or Uniform Housing Code, or
2. The Council finds that finds that demolition without replacement will not result in harm to the public. Harm to the public shall be found if the demolition of the subject property:
 - a. Results in the loss of low-income housing stock which will not be replaced, or
 - b. Is likely to result in nuisance uses of the vacant property, or
 - c. Has a significant adverse visual, social or economic impact on the neighborhood.
3. The request for relief shall be referred to Council for action with a recommendation from the HPC.

21.09 MAINTENANCE AND REPAIR

21.09.010 Minimum Maintenance & Repair

In order to prevent any physical deterioration, loss of historic integrity and other negative impacts to historical resources, the General Plan (Policy LUT 12.10) promotes the maintenance, repair, stablization, rehabilitation, restoration, and preservation of historical resources in a manner consistent with federal and state standards.

21.09.020: Required Maintenance for Historical Resources

- A. All property owners of historical resources shall have the responsibility preserve and maintain the elements of historical significance of the historical resource, and, where necessary and feasible, restore and rehabilitate the property, in accordance with the rules and regulations published by the Secretary of the Interior and as amended from time to time.
- B. Owner shall maintain all buildings, structures, yards and other improvements in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:
 1. Dilapidated, deteriorating, or unrepaired structures, such as: fences, roofs, doors, walls and windows;

2. Scrap lumber, junk, trash or debris;
 3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
 4. Stagnant water or excavations, including pools or spas;
 5. Any device, decoration, design, structure or vegetation which diminishes the historic character due to its height, unsightly condition, or its inappropriate location.
- C. In the case that a property owner fails to maintain a historical resource, or historically significant elements thereof, the City shall have the authority to enforce conditions to ensure that maintenance is completed to prevent any further deterioration pursuant to CVMC 21.11.010.

21.09.030: Hazardous or Unsafe Conditions

Regulations established in this chapter shall not prevent alterations, demolition, or removal of a historical resource if the current conditions of said resource results in a threat to public safety. Such threats are to be certified by the City's Building Official in a written recommendation to the HPC. The HPC shall accept the recommendation of the City's Building Official and shall provide input on any proposed alterations or relocation of the said historical resource.

21.10 INCENTIVES & BENEFITS AND EXEMPTIONS

21.10.010: Incentives & Benefits

Incentives and benefits for the protection, retention, and preservation of historical resources may be pursued, implemented, offered, and advertised as available under the City of Chula Vista HPP- Incentives and Benefits Section.

21.10.020: Historic Preservation Fund

The Council may, at its discretion, establish a Historic Preservation Fund (HPF) from outside grant sources, private donations, fines and fees associated with unlawful demolition or unpermitted alterations to historical resources. Funds from the HPCF may be made available at the discretion of the Council, and may support future City approved preservation planning activities including but not limited to historical resource survey projects, preparation of Historic Structure Reports or Cultural Landscape Studies, building rehabilitation efforts, acquisition of historical resources and other preservation activities that are found to meet the goals and objectives of the City HPP and this ordinance.

21.10.030: Economic Hardship Exemption

Consideration for an economic hardship exemption from the required fees of this ordinance may be requested pursuant to CVMC 3.45.010.

21.11 ENFORCEMENT & PENALTIES

21.11.010: Enforcement & Penalties

The City shall implement any necessary legal action to enforce the provisions contained in this chapter. A violation of any provision of this chapter or failure to comply with a condition of approval is expressly prohibited. Remedies specified under this chapter are in addition to and do not supersede or limit CVMC 19.08.030, CVMC 19.080.040, and CVMC 1.20 through

CVMC 1.41. The remedies provided for herein are cumulative and not exclusive. In any such action, the City may seek as appropriate the following remedies:

- A. A temporary or permanent injunction.
- B. Assessment of the violator for the costs of any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.

21.12 NOTICE, FEES AND APPEALS

21.12.010: Notice

For actions that require an administrative consideration , notice of the time, place and purpose of such consideration shall be given in the manner set forth in CVMC 19.12.070 (A) (B) and (C).

For actions that require a public hearing, notice of the time, place and purpose of such hearing shall be given in the manner set forth in CVMC 19.12.070.

21.12.020: Fees

A fee, in the amount as presently designated or as may be in the future amended in the master fee schedule, shall accompany each application under this chapter.

21.12.030: Appeals

The applicant or any other interested party may appeal the decision of the Zoning Administrator or HPC within 10 business days after the date of the decision. The matter shall be set for public hearing upon receipt of appeal application, which shall address in writing each of the findings for denial on a form prescribed by the City and found in the City's HPP and a fee as presently designated, or as may in the future be amended, in the master fee schedule for appeals of historic preservation matters.

- A. ZA Decisions: Appeals of ZA decisions shall be considered by the HPC.
- B. HPC Decisions: Appeals of the HPC shall be considered by City Council.

21.13 SEVERABILITY

If any section, sentence, clause, phrase, word, portion or provision of this chapter is held invalid or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid portion. In adopting this chapter, the Council affirmatively declares that it would have approved and adopted the chapter even without any portion which may be held invalid or unenforceable.